

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

BREY CORP. t/a HOBBY WORKS

Plaintiff

v.

**LIFE TIME IMPROVEMENTS, INC.
d/b/a LIFE TIME PAVERS**

Defendant

* * * * *

DEFENDANT'S MOTION TO DISMISS

NOW COMES the Defendant, Life Time Improvements, Inc. d/b/a Life Time Pavers, by and through its counsel, Budow and Noble, P.C., Michael J. Budow and Howard R. Meinster, and pursuant to Fed. R. 12(b)(1), hereby moves to dismiss this action for lack of subject-matter jurisdiction. In support thereof, Defendant respectfully refers the Court to the Memorandum of Points and Authorities attached hereto.

Respectfully submitted,

BUDOW AND NOBLE, P.C.

/s/

Michael J. Budow, Bar No. 03987

/s/

Howard R. Meinster, Bar No. 16150
The Air Rights Center
7315 Wisconsin Avenue
Suite 500 West
Bethesda, MD 20814
(301) 654-0896 office
(301) 907-9591 facsimile
mbudow@budownoble.com
hmeinster@budownoble.com

REQUEST FOR HEARING

Defendant hereby requests an oral hearing on all issues raised in the instant Motion.

/s/
Howard R. Meinster

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of May, 2011, a copy of the foregoing Defendant's Motion to Dismiss was served via electronic filing and U.S. mail, first class postage prepaid to:

Stephen H. Ring, Esq.
Stephen H. Ring, P.C.
506 Main Street, Suite 215
Gaithersburg, Maryland 20878
Attorneys for Plaintiff

/s/
Howard R. Meinster